

I. Sample legislation to adopt NELAC ENVIRONMENTAL LABORATORY ACCREDITATION

I. Any laboratory conducting water analysis tests for the purpose of determining compliance of a public water supply with the provisions of RSA 485:3 and any laboratory conducting environmental analyses in this state for any other governmental purpose where the requirement of certification or accreditation is specified shall first obtain accreditation.

II. The department shall establish and administer a program to accredit on an annual basis the facilities, equipment, procedures, methods of analysis, analytical quality assurance and quality control, record keeping and traceability, analytical performance, and qualifications of personnel of any laboratory for the purpose of RSA 485: 44, I. The program shall be in conformance with and consistent with the national accreditation standards approved by the National Environmental Laboratory Accreditation Conference. The purpose of the accreditation program shall be to ensure that environmental laboratories provide sufficiently accurate, precise, and consistent results of tests, analyses, and measurements.

III. The department shall, upon request of a laboratory accredited pursuant to paragraph II of this section, accredit such laboratory in conformance with and consistent with the national accreditation standards approved by the National Environmental Laboratory Accreditation Conference, provided that such laboratory demonstrates capability to analyze samples with precision and accuracy.

IV. A laboratory may subcontract tests which it is not accredited to perform to another laboratory which is so accredited, provided that the test report clearly indicates which tests were subcontracted and that laboratory test records which specify the name and address of the laboratory which performed the work are maintained and made accessible to the department upon request.

V. The department shall accredit laboratories accredited in other states upon request by reciprocity, provided that the accreditation program in such states is in conformance with and consistent with the national accreditation standards approved by the National Environmental Laboratory Accreditation Conference.

VI. An alternate laboratory test method may be acceptable only if it is in conformance with and consistent with the performance based method requirements set forth in the national accreditation standards approved by the National Environmental Laboratory Accreditation Conference.

VII. Accreditation may be denied, revoked, suspended, or modified as determined by rules of the department. A laboratory that has had accreditation revoked or suspended shall be reaccredited at such time as it again meets criteria for accreditation provided, that such laboratory has not had its accreditation revoked or suspended more than three times in the preceding 2 years. Upon notification of the fourth such revocation or suspension, such laboratory shall not be eligible for reaccreditation for one year from the date of such notice, except that, upon appeal by the laboratory, the commissioner may waive such extended period of revocation or suspension if such laboratory can demonstrate to the commissioner good cause for immediate recertification of such laboratory.

VIII. Changes in laboratory ownership, location, personnel, methodology, or other factors significantly affecting the performance of analyses for which it was originally accredited shall be reported in writing to the accreditation officer of the department within 5 business days of the change.

IX. The department shall establish by rules, under RSA 541-A, a reasonable time frame for the completion of the accreditation process. The provisions under which any laboratory is accredited on January 1, 1990 shall not be affected in any way, except as provided in paragraph VIII of this section, before the completion of the accreditation process within the time frame established by the department.

X. Participation of laboratories in the accreditation program shall be voluntary.

RSA 485:46 FEES; ADVERTISING.

I. The department shall adopt rules under RSA 541-A, after public hearing establishing a schedule of reasonable fees to be paid by any laboratory applying for accreditation.

II. The schedule of fees shall be designed to recover the cost associated with the accreditation services provided under RSA 485:44, and such fees shall be available to the department to be used to defray the expenses for such services. Funds received shall be deposited in a special revolving fund account maintained by the department which shall be continuously appropriated to the department to offset the costs of the accreditation program. Any balance in excess of \$1000 remaining at

the end of the fiscal year shall lapse to the general fund.

III. A laboratory shall provide each prospective _____ client with a list which clearly indicates the specific analytes which the laboratory is accredited to test. In the event that a client has paid a fee to a laboratory in anticipation of testing services before the receipt of said sampling materials, and the client subsequently determines upon receipt of the test materials that the laboratory is not accredited to provide testing services to meet his needs, the client may cancel his order for any testing services which have not yet been performed, and the laboratory shall make full refund to the client. Test reports shall clearly identify those specific analytes for which a laboratory has accreditation and shall specifically identify the analyses which were subcontracted to other laboratories.

RSA 485:47 RULEMAKING. The department shall adopt rules, under RSA 541-A, relative to;

I. Procedures and standards for accreditation of laboratories, including but not limited to the form and content of approval and accreditation application forms, analytical techniques to be employed, standard collection and testing procedures, performance on proficiency test samples, as well as qualifications for laboratory personnel. The procedures and standards shall be in conformance with and consistent with the national accreditation standards approved by the National Environmental Laboratory Accreditation Conference.

II. Procedures and conditions under which accreditation of water testing laboratories may be revoked, suspended, or modified.

III. Information to be disclosed when tests are subcontracted.

IV. Procedures and criteria for laboratory reaccreditation.

V. Procedures for the accreditation of laboratories that have been accredited by other states.

VI. Procedures for the approval of alternate testing methodology.

VII. Fees for accreditation, including rules for accounting of the fees.

VIII. Procedures and standards for testing of water under any expanded accreditation program.

IX. A time frame for the completion of the accreditation process.